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west virginia department of environmental protection

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Environmental Enforcement  
Hazardous Waste/Underground Storage Tanks  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304-926-0470 FAX: 304-926-0457

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
dep.wv.gov

April 25, 2012

Ernest Martin  
4906 Garrett Hwy  
Oakland, MD 21550

**CERTIFIED RETURN RECEIPT REQUESTED**

**RE: Bishop's Convenience Store, WV ID No. 3-906331**

Dear Mr. Martin:

The West Virginia Department of Environmental Protection (WVDEP) has reason to suspect that the three (3) registered Underground Storage Tanks (USTs) located at the Bishop's Convenience Store were removed without proper notification being submitted to the WVDEP. The WVDEP is currently pursuing potential enforcement action involving WV Underground Storage Tank (UST) violations. This action is being taken under the provisions of the UST Act (WV Code Chapter 22, Article 17). As part of this action, WVDEP requests that owner/operator provide information pursuant to WV Code Chapter 22, Article 17, Section 13 for the UST system located at Bishop Convenience Store, WV ID No. 3-906331.

For your facility, provide the following information on the status of the USTs registered at the facility:

- 1) Has any registered UST at the facility been removed from the ground? If the USTs have been removed from the ground, provide the following information concerning the removal.
  - a. On what date were the USTs removed? Was associated piping removed with the USTs?
  - b. Provide the name and address for the person(s) who authorized the removal of the UST system?
  - c. Provide the name and address for person(s) who performed the UST system removal.
  - d. Were the USTs transported off site for disposal or recycling? Where were the USTs transported to? Who transported the USTs to the disposal/recycling location?

- e. How much residual tank contents were removed from the USTs? What is the disposition of the material removed from the USTs? Is it containerized and stored on-site or was it removed from the site? If removed, provide the name and address of the disposal facility and the name and address of the transporter?
- f. Were the USTs properly cleaned on site prior to being taken for disposal/recycling? Was the cleaning liquid containerized and stored on-site or was it removed from the site? If removed, provide the name and address of the disposal facility and the transporter?
- g. Was petroleum impacted soil detected during the UST removal? Was the soil stockpiled on site or removed from the site. If removed, provide the name and address of the transporter and the name and location of the disposal facility/location.
- h. Was a WV Class "B" certified worker present for the tank removal? If so, please provide the name, contact information, and the certified worker certificate number for the Class "B" person.
- i. Was soil sampling performed in accordance with WVDEP requirements for tank closure? If so, please provide a copy of the analytical data, site sketch showing sampling locations, and any photos taken of the site.

2) Provide the following information about the UST system:

- a. Provide leak detection records for the last 12 months?
- b. Provide cathodic protection (CP) tests for the last two CP testing events.
- c. Provide the current financial responsibility (pollution liability insurance) coverage for the UST system.

I certify that the information contained in this response to WVDEP's request for information, based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, is, to the best of my knowledge and belief, true, accurate and complete. As to the identified portions of this response for which I cannot personally verify its accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. I am aware that there are significant penalties for submitting false information.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

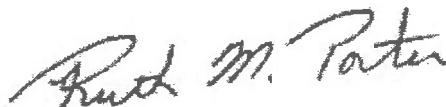
Date: \_\_\_\_\_

Please provide this information within fourteen (14) days of receipt of this correspondence. All information shall be submitted to:

Ruth Porter, UST Program Manager  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

Your failure to provide the requested information is a violation of WV Code Chapter 22, Article 17, Section 1 et. seq. Your prompt attention is appreciated.

Sincerely,



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Ruth M. Porter  
UST Program Manager

cc: Joseph Sizemore, Assistant Chief Inspector, EE/HW&UST (via e-mail)  
Patty Perrine, UST Inspector Supervisor, EE/UST (via e-mail)  
Ted Wisner, Environmental Inspector, EE/UST (via e-mail)

